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C O N F I D E N T I A L SECTION 01 OF 06 JEDDAH 000501

SIPDIS

RIYADH PASS TO DHAHRAN

G/TIP FOR AMBASSADOR MARK LAGON

G/TIP FOR MARK TAYLOR

DEPT PASS TO DRL FOR EBARKS-RUGGLES AND JLIEBERMANN

DEPT FOR NEA/ARP

DRL FOR ANZALDUA

DOL FOR ILAB

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TAGS: [ELAB](#) [KCRM](#) [KPAO](#) [KWMN](#) [PGOV](#) [PHUM](#) [PREL](#) [SMIG](#) [SA](#)

SUBJECT: GTIP AMBASSADOR LAGON VISITS SAUDI ARABIA

DISCUSSES SPONSORSHIP SYSTEM, ANTI-TRAFFICKING LAW,

CRIMINAL SANCTIONS

Classified By: CG Martin Quinn for Reasons 1.4 (b) and (d)

¶1. (C) SUMMARY. Ambassador Lagon, Director of GTIP, visited Riyadh and met with officials from the government's Human Rights Commission, Ministries of Labor and Interior, a government-run shelter, a meeting of labor sending-country diplomats, and a shelter run by the Filipino embassy. A comprehensive anti-trafficking law was under discussion by various parts of the government, a new law pertaining to domestic workers was recently passed, and the sponsorship law is being considered for overhaul. The widely-criticized policy of employers/sponsors holding foreign workers' passports is not addressed by any current or pending law, while criminal sanctions for labor crimes other than extreme abuse do not occur. In addition, the continued lack of a proactive victim identification procedure to ensure that victims are not punished remains a key gap in Saudi Arabia's protection efforts. END SUMMARY.

HUMAN RIGHTS COMMISSION DENIES PROBLEM

BUT RESOLVES TO FIX IT

¶2. (C) Ambassador Lagon met with representatives of the government-run Human Rights Commission in Riyadh including the President Turki bin Khalid Al-Sudairi. The Human Rights Commission is essentially a government ministry and Al-Sudairi holds the rank of Minister. Al-Sudairi pointed out at the onset of the conversation that he only learned of the human trafficking term 2.5 years ago. He explained this was the case because he claims Saudi Arabia does not have such a problem, and "we are not full-time culprits in human trafficking." Othman Ibrahim Al Ahmed, Board Member of the HRC, concurred, "This issue of trafficking --you call it trafficking -- we did not see this happening since the boom. We think of this practice of exploiting laborers, of those who come legally, we really think of them (the exploiters) in a bad way." He noted that Saudi Arabia has "the only labor law in the world in favor of the laborer." With regard to sex trafficking, Al-Sudairi denied that Saudi nationals were involved in "houses of prostitution," and that they are operated mainly by foreign nationals.

¶13. (C) CHANGING THE SYSTEM: Al-Sudairi revealed a potential major anti-trafficking, with the draft currently being worked on by the Shura Council(note: the anti-trafficking law passed the Shoura on Tuesday, November 25) Sudairi was optimistic about the new law and noted that, "We hope your visit can help to speed up the process." Al Ahmed explained that the law rests on collaboration between the Human Rights Commission, Ministries of Social Affairs, Labor, Interior, and Health. The use of the sponsorship system was defended by Al Ahmed, "Sponsors are responsible for the laborers that come to Saudi Arabia. They take care of him, feed him, give him insurance, and take care of his medical needs(" (COMMENT: Neither Post nor G/TIP has reviewed this draft anti-trafficking law, so we cannot comment on the efficacy of its definition of trafficking or the adequacy of its prescribed penalties. END COMMENT.)

¶14. (C) CRIMINALIZATION: Ambassador Lagon raised the issue of imposing criminal, i.e., prison, sanctions on TIP offenders. Al Ahmed responded that there are penalties against companies for those delaying payment to foreign workers, adding that, "for sure these penalties are very harmful for these companies." He brought up a case where an individual killed his daughter and was given the death sentence recently (although he did not connect this to TIP). He said, "Three years ago if someone was abusing their domestic helper, they would be told to go away ... now they will be punished." There were no examples provided of anyone convicted criminally for common abuses of labor such as non-payment or under-payment. One official claims that the draft anti-trafficking law will make it so that if a person

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witnesses any form of TIP and does not report it, he/she could be sentenced for up to five years in prison.

¶15. (SBU) VICTIM IDENTIFICATION: At several points during the conversation, Ambassador Lagon emphasized the need for proactive victim identification, or a formal procedure to actively screen for evidence of trafficking among vulnerable populations, such as foreign workers detained for running away from their sponsors. Al-Sudairy commented that it was an "excellent idea" and asked for training in this regard.

¶16. (C) TRAINING: Officials felt that training programs and education are positive ways to address problems. Al-Sudairi offered that a new plan is to be issued by decree that would increase awareness of human rights in schools and police forces. The decree is currently before the Council of Ministers. Al-Sudairi pointed out that additional HRC cooperation with policing organizations like the Commission for the Prevention of Vice and the Promotion of Virtue (AKA: Religious Police) and relief organizations such as the Red Crescent are aiding in human rights cases.

GOVERNMENT SHELTER: A SAFE HOME FOR

THOSE WITH THE LEAST SERIOUS PROBLEMS

¶17. (SBU) Ambassador Lagon was invited to visit a women's shelter run by the Ministry of Social Affairs (MSW). The shelter's management explained that the home consists of two groups: 1) stranded workers picked up at the port of entry and awaiting to be picked up or paired with their proper sponsors, and 2) those individuals dealing with delay of salary payment with their sponsors and who stay until such time as the matter is resolved. Roughly 50% of sheltered women come from each group. Numerous nationalities are represented in the shelter with Sri Lankans and Indonesians among the largest numbers represented. All the women in the shelter receive food, health care, a bed, and clothing. Opportunities for handicraft employment also exist to keep the women busy during their time at the shelter. Women commonly remain at the shelter for three to ten days, although occasionally longer if there is a problem.

¶8. (SBU) BACKGROUND OF WOMEN: There was considerable confusion as to how exactly a woman ends up at this shelter. The shelter is not for individuals with pending criminal cases, victims of physical abuse, and those with medical and mental health problems. A woman arrives usually when an embassy or the police recommend her to go there after she runs away from her employer. Those with serious problems will end up staying in hospitals, jails, or at an embassy shelter, depending on the nature of the problem and the facilities of the sending country. A doctor at the shelter said that it is very rare to see physical abuse and that in the only case seen, it was determined that it had been self-inflicted. According to the management, this shelter is only for those individuals who are having contract disputes or were not met by sponsors. One official suggested that many women run away due to culture shock and homesickness. (COMMENT: Given the MSW officials' insistence that this shelter is not for "victims" and that it does not assist runaway workers with serious cases of physical or psychological abuse, its use as a shelter for victims of trafficking appears quite limited. END COMMENT.)

¶9. (SBU) CASE STORIES: Ambassador Lagon and DOS officials had a chance to meet with some of the sheltered women consisting almost entirely on that day of Indonesians and Sri Lankans. An Indonesian woman in one room explained that she just wanted her passport to go home, that her contract had finished, and that she was not a victim of violence. One visibly injured Indonesian woman said she had been bruised from falling down and hurting her neck, was then sent to the hospital, and now since she is unable to work for her sponsor

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was brought to the shelter. Another Indonesian woman claimed her passport was being held by her sponsor and thus she could not leave the country. A woman in the same room said she hoped to travel back to her home country even if she could not recoup the wages that had not been paid by her employer, who refuses to give her an exit visa. In a private meeting, an Indonesian woman explained that she ran away from her employer after completing 1.5 years of her contract and having been paid for only one year. She feels that the shelter offers good living conditions compared to the former home provided by her employer.

MINISTRY OF LABOR: NEW LAWS ON

THE WAY, QUESTIONS REMAIN

¶10. (C) The Deputy Minister for Planning and Development, Mr. Bader Ba Jaber, and other Ministry of Labor officials met with Ambassador Lagon. The Deputy Minister explained that the ministry has followed TIP issues for a long time even though he considers it a new term. The Ministry is among the agencies charged with fighting trafficking according to a national plan. The Ministry is supporting training for recruitment agencies. The MOL also produces literature and pamphlets to educate and inform guest workers. Ba Jaber recognized that many laborers cannot read and write so they advocate additional steps taken to insure that rights and responsibilities are understood in advance of arrival. The Ministry is cooperating with other agencies to help limit TIP violations. Ba Jaber praised the efforts of the HRC and the Minister of Social Affairs for their work in this area.

¶11. (C) CONTRACT AND PAYMENT DISPUTES: A primary concern of the MOL is dealing with contract issues between sponsors and employees. The Deputy Minister claims that there are sometimes criminal matters that surface as a result of late or non-payment, but did not indicate that these cases are enforced through significant penalties. An official mentioned the draft anti-trafficking law and noted that it will criminalize all acts of TIP so that violators can actually be arrested. (Note: It is not clear how TIP will be defined in

the anti-trafficking law.) The MOL clarified the procedure for an employee to file a case seeking back payment in response to a question by Ambassador Lagon: Laborers may file a case to the ministry even if they have not run away from their employers and they may do so as long as salary has not been received for three months. At this point, the employee will be given permission to work elsewhere temporarily. If the period of time is more than three months, the employee may be transferred without the permission of the employer.

¶12. (SBU) US HELP: Ba Jaber was receptive to Ambassador Lagon's suggestion that the Ministry might need help from the US, particularly as it moves towards enacting a new trafficking law, and then actually implementing it: "We could benefit from this help. A law without implementation has no meaning. In principle we don't accept any violations of the rights of the employee." He lauded the efforts the country has already made in this regard, "In the Kingdom, we treat employees the best -- with more pressure on the employer than the foreigner(. There will of course be violations."

¶13. (SBU) PASSPORT HOLDING: Ambassador Lagon raised the issue of employers and sponsors holding passports, a practice that is routinely viewed by outsiders as placing laborers in a vulnerable position. According to one official, "There is nothing in the labor law about the issue of holding passports. In practice, the passports are held. Labor law has nothing to do with passports. Why is there so much emphasis on passports?" He added that only the contract is binding between the employer and employee, or implying that even if the passport is held this does not indicate the status of the

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laborer's rights and obligations. Ambassador Lagon noted that the law might best forbid holding passports rather than merely not requiring they be held.

¶14. (C) AN END TO SPONSORSHIP: A potential change in the sponsorship system was addressed by the MOL officials. A new system is being considered whereby visas would be granted by sector and demand rather than through sponsorship. An organizational body or company with MOL oversight would manage the process and would be responsible for providing exit visas to individuals. In this system, the foreign employees would have flexibility in moving between individual employers once they arrive to the Kingdom, subject to a large labor company involved in placement. The MOL recognizes that this system will be difficult to implement, particularly with respect to the handling of individuals already in the country under the current sponsorship system. (COMMENT: This reform could be a substantial step forward and would set an example for the whole Gulf. However, the Deputy Minister referred to this new system as "renting out workers." The devil will be in the details to see if this reform occurs and would truly represent a reduction in the vulnerability of guest workers to TIP. END COMMENT.)

¶15. (SBU) DOMESTIC WORKERS: Domestic workers pose very specific challenges for the MOL. In a new law pertaining to female domestic workers, they are given the right to a comfortable home. There is nothing in the law that addresses whether a worker is allowed to leave the home provided by the employer, that matter remaining with the employer. Two months ago, the MOL, MOJ, and the Jeddah Chamber of Commerce and Industry entered the homes of domestic workers in order to investigate living and working conditions.

MINISTRY OF THE INTERIOR: PASSING

THE BUCK BACK TO LABOR

¶16. (C) CRIME AND PUNISHMENT: Ambassador Lagon met with Deputy Minister of the Interior, Dr. Ahmad bin Mohamed Al

Salem. Ambassador Lagon asked if the MOI could point to any actual examples of prosecution for TIP crimes. What followed was a litany of past prosecutions read from a document that many of the MOI officials held in their hands. One example given was a policeman sentenced to "hard punishment" for abusing and torturing a man and another highlighting two policemen that were executed after killing a Bangladeshi worker. A third case highlighted a Saudi princess who had been fined in a case filed by a Syrian laborer. The cases focused on examples of laborers who were victims of serious abuse. None of the cases dealt with issues of underpayment or non-payment of wages, with officials commenting that these are labor and not criminal issues. Despite this list of cases, the MOI did not portray the message that trafficking of foreign workers is systematically addressed in the criminal justice system; the cases recited seemed to be examples of particularly serious cases, but had no element of forced labor per se.

¶17. (C) MOI RESPONSE: The official noted that the MOI is powerless to interfere with the rulings of courts, but they try to insure justice for victims. He claims that the MOI deals aggressively with charges brought by diplomatic missions as well as individuals who come directly to pursue their cases. He sung the praises of the forthcoming anti-trafficking law. He said that part of the plan is to make foreigners more aware of their rights and to let them know their options and sources of potential refuge or redress if problems are encountered. Training is also being offered for law enforcement officials at several centers. Saudi officials insist that citizens as well as expatriates are equal under the law. All have equal rights to apply to the courts in order to bring complaints against their employers. The official assured Ambassador Lagon that "The rights of

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labor in Saudi Arabia are among the best in the world (we are with the victims, whatever their nationality (Maybe Saudi Arabia was classified at the bottom of the list (TIP report), but it's not fair."

DIPLOMATS COMMENT AND OFFER TOUR OF SHELTER

¶18. (C) ROUNDTABLE: Ambassador Fraker hosted a round table discussion for diplomats from the embassies of sending countries in Riyadh with Ambassador Lagon. Representatives attended from Egypt, the Philippines, Sri Lanka, Bangladesh, Indonesia, Ethiopia, Nepal, Sudan, and Turkey. DCM Rundell was also in attendance. There was concurrence among representatives that the labor problems in the country are often due to the lack of efficiency in the court system. It was also agreed that most problems are the result of individuals not being able to secure exit visas. Trafficked persons may be allowed to leave the country, but in order to do so they usually cannot recoup lost wages and salaries. After a protracted wait for the matter to be settled, many laborers return home. Attendees focused attention on various abuses suffered by workers (not all of which were specifically examples of TIP). The diplomats from the embassies of Egypt and the Philippines were most vocal, the latter reporting at length about the nature of problems faced and the services that his embassy is able to provide in assistance.

¶19. (SBU) SHELTER: The Philippines Ambassador Antonio P. Villamor offered Ambassador Lagon a tour of the embassy-run shelter for their women who have run away from sponsors, many of whom are involved in legal struggles with their employers to retrieve lost wages and exit visas. At the time of the visit, there were 74 women in the shelter. We learned from the Ambassador that the embassy runs daring rescue missions where it sends out a car to whisk away its female citizens who find themselves in emergencies (the Ambassador often accompanies, first changing into less formal clothing). The embassy works to help laborers receive back wages and exit

visas, although the success with getting employers to pay varies considerably.

¶20. (SBU) VICTIMS SPEAK OUT: Ambassador Lagon had an opportunity to meet with many of those sheltered. The more dramatic stories include one woman in two leg casts who jumped from two stories in order to flee her home and another who hid in a garbage can outside the house until help arrived. One woman had just arrived at the shelter and was crying, declaring her inability to get an exit visa and her sole desire to get home; she fainted minutes later in the delegation's presence. Another woman's employer refuses to grant an exit visa, despite her need to leave in order to have liver surgery in the Philippines. A woman seated next to her decided to run away after two years without paid wages. Her sponsor pushed and hit her before finally pushing her outside the house, where the police picked her up and brought her to the shelter. Another woman beside her had a similar experience, the victim of frequent slapping and kicking. Most of the women complained of non-payment or underpayment of wages coupled with a refusal of their employers to provide visas. When questioned by Ambassador Lagon whether they felt that they were threatened and compelled to work because their employers had withheld their passports and exit permits, all responded yes.

¶21. (C//NF) COMMENT. The Saudi government ministries seem to be making efforts to improve the legal structure pertaining to labor and trafficking. The biggest change is a draft comprehensive anti-trafficking law being discussed throughout the government. The sponsorship system will take considerable pains and time to dismantle. Nonetheless, implementation of currently available criminal laws to punish traffickers)- including Saudi nationals -) remains extremely poor; there continues to be very little evidence of

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criminal sanctions for most forced labor crimes including underpayment or non-payment of wages. The holding of workers' passports remains unaddressed by any existing or proposed law. Saudi laws often are selectively enforced by local authorities, particularly against Saudi nationals. Meaningful enforcement of anti-trafficking laws will take serious and heretofore unseen commitment by all sides of the government, and will require Saudi government officials and society to overcome long-ingrained bias against foreign workers. These laws may be an effort by the SAG to move from Tier Three of the TIP report; however, serious and sustained implementation of the anti-trafficking law if and when passed will remain the key challenge for Saudi Arabia in its anti-TIP efforts. Also, discussions with missions of sending-countries indicate that their diplomatic action on labor issues remains widely determined by the extent to which each country relies on remittances by worker abroad or has alternative countries to which they may send guest workers. END COMMENT.

QUINN